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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,913	10/13/2004	Chia-Tsui Lan	17389.75	5912
22913	7590	01/10/2008		
WORKMAN NYDEGGER 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			EXAMINER LIANG, LEONARD S	
			ART UNIT 2853	PAPER NUMBER
			MAIL DATE 01/10/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/711,913	LAN, CHIA-TSUI	
	Examiner	Art Unit	
	Leonard S. Liang	2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-13 and 25-36 is/are pending in the application.
- 4a) Of the above claim(s) 12 and 13 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 36 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-11 and 25-34 is/are rejected.
- 7) ☒ Claim(s) 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). ,

* See the attached detailed Office action for a list of the certified copies not received.

01/06/08
LSL

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

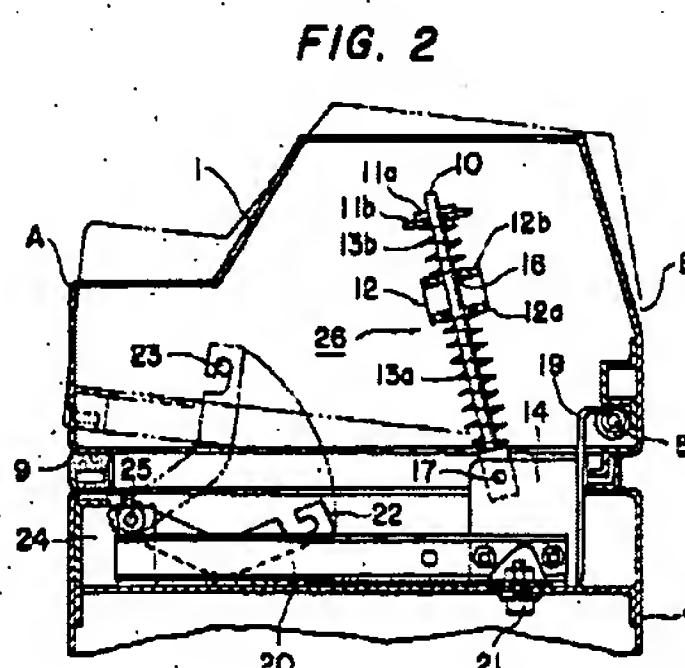
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7-8, 11, 25-29, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyasaka et al (US Pat 4330219).

Miyasaka et al discloses:

- {claim 1} A machine body (figure 2); a housing (figure 2); an upper body capable of being positioned at a range of angles relative to the housing (figure 2, reference 1); and a hinge (figure 2, reference 5) comprising a support shaft (figure 2, reference 10) connected to the upper body; and a support block (figure 2, reference 12) connected to the housing, the support block comprising a hole (figure 2, reference 16), and the support shaft passing through the hole (figure 2, reference 10) and capable of moving up and down along the hole (column 1, lines 43-47)



- {claim 2} wherein the support block is rotatably connected to the housing (figure 2, reference 12)
- {claim 3} wherein the hole is a cylindrical hole and the support shaft is a cylindrical shaft (figure 2, reference 10, 16)
- {claim 4} wherein the area of the cross section of the support shaft is constant over the length of the support shaft (figure 2, reference 10)
- {claim 7} wherein at least one section of the support shaft tightly fits the support block (figure 2, reference 10, 12)
- {claim 8} housing a multi-function peripheral (abstract; the printer is here considered a multi-function peripheral because it can perform multiple functions such as printing and feeding paper)
- {claim 11} wherein the support shaft comprises a cylindrical shaft and wherein the hold comprises a cylindrical hole (figure 2)
- {claim 25} An apparatus (figure 2) comprising: means for coupling an upper body to a housing (figure 2), wherein the means for coupling comprises means for connecting a support shaft to the upper body (figure 2, reference 10), and means for supporting the support shaft in a sliding manner (through reference 12), and the means for supporting interfacing with the housing, wherein the upper body is capable of being positioned at any of a range of angles relative to the housing due to a frictional relationship defined by the means for supporting and the support shaft (figure 2)

- {claim 26} further comprising means for rotatably connecting the means for supporting to the housing (figure 2)
- {claim 27} wherein the means for supporting the support shaft comprises a support block that defines a straight hole and the support shaft comprises a straight shaft (figure 2)
- {claim 28} wherein means for supporting the support shaft comprises a support block that defines a straight cylindrical hole and the support shaft comprises a straight cylindrical shaft (figure 2)
- {claim 29} wherein the area of the cross section of the support shaft is constant over the length of the support shaft (figure 2)
- {claim 34} further comprising a joint axle by way of which the housing is rotatably attached to the upper body (figure 2, reference 17)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 10, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyasaka et al (US Pat 4330219) in view of Clements (US Pat 2148014).

Miyasaka et al discloses, with respect to claims 5, 10, and 30-31, a machine body (as applied to claim 1 above).

Miyasaka et al differs from the claimed invention in that it does not disclose that the material of the support block comprises rubber, nor does it disclose that the material of the support block comprises polyurethane rubber.

Clements discloses a hinge member fixed to a shaft, which contains a block of rubber (column 3, lines 21).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Clements into the invention of Miyasaka et al. The motivation for the skilled artisan in doing so is to gain the benefit of absorbing shock (column 3, lines 20-21). The combination naturally suggests that the rubber is polyurethane rubber, since polyurethane rubber is a very kind of rubber.

Claims 9 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyasaka et al (US Pat 4330219) in view of Johnson et al (US Pat 6563598).

Miyasaka et al discloses, with respect to claims 9 and 32-33, a machine body (as applied to claim 1 above), wherein the machine body houses a printer (abstract).

Miyasaka et al differs from the claimed invention in that it does not disclose that the machine body houses a scanner or a multi-function peripheral.

Johnson et al discloses, with respect to claims 9 and 32-33, a multi-function peripheral machine body that houses both a scanner and a printer (abstract).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Johnson et al into the invention of Miyasaka et al. The motivation for the skilled artisan in doing so is to gain the benefit of obtaining a scanning function.

Allowable Subject Matter

Claim 35 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 35 discloses, "further comprising a rotation axle to which the support block is attached, the support block being connected to the housing by way of the rotation axle such that the support block is able to rotate, relative to the housing, about the rotation axis," which was not found, taught, or disclosed in the prior arts.

Claim 36 is allowed.

The following is an examiner's statement of reasons for allowance: The applicant's arguments with respect to the other claims are not persuasive, for the reasons stated below. However, with respect to claim 36, Miyasaka et al does not disclose that the support block is rotatable. Rather, it is pin 17, which is connected to support block 12 through shaft 10, that is rotatable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments filed 12/17/07 have been fully considered but they are not persuasive.

The core of the applicant's argument is that "the Examiner has asserted that the 'support block 12' or Miyasaka is connected to the 'housing' (4). However, inspection of Figure 2 of Miyasaka readily reveals no such relationship is present. Moreover, Miyasaka confirms this understanding, stating that '...a balance mechanism guide 12 is secured to an inner surface of a side wall of the cover hood 1 [characterized as the 'upper body' by the Examiner] by welding or screws...'...Thus, the characterization advanced by the Examiner plainly contradicts the disclosure of Miyasaka."

The examiner understands the applicant's argument, but believes that the applicant has improperly narrowed the scope of the claimed invention by narrowly defining terms such as "housing" and "connected". The examiner reminds the applicant that the claims are given their broadest reasonable interpretation.

With regard to the housing, the examiner cited figure 2 without mentioning any reference numbers because it was believed to be self-evident what the housing was. However, since the applicant has expressed confusion, the examiner will attempt to clarify.

Given the broad use of the term housing (without any metes or bounds attached to the word as claimed), the housing does not need to be construed to be only represented by figure 4,

as the applicant has defined it. The examiner understands that the applicant is trying to distinguish a upper part of a machine body as "a upper body" and a lower part of a machine body as "a housing". However, the claims do not necessitate such a narrow reading. The examiner could broadly interpret housing as the entirety of figure 2 with the upper body 1 serving as a fragment of the housing. In such an interpretation where the upper block is part of (as opposed to separate from) the housing, the support block is indeed connected to the housing. The passage cited by the applicant (column 1, lines 44-46) supports this interpretation.

In fact, this is not the only reasonable interpretation of "housing". Even if housing is construed to be reference 4, as defined by the applicant, Miyasaka et al still broadly reads on the claims. The claim state a support block "connected" to the housing. The applicant believes that because support block 12 is physically attached to the cover hood 1, it cannot possibly be "connected" to reference 4. However, here again, the applicant is narrowing the definition of "connected." It could be broadly and reasonably construed that support block 12 is "connected" to reference 4 by way of attachment **through** shaft 10, pin 17, and the parts of pin 17 that attach to reference 4 (emphasis mine). The applicant is defining connected as physical attachment, but this definition is overly narrow. To be even more broad, the word could by defined in the context of "relationship", that is to say that the support block is related to reference 4, which is certainly true.

All of the applicant's arguments are based on narrow interpretations of broad claims, which are not limited by specifics. As such, the examiner applies the broadest reasonable interpretation to the claims. The prior rejection is upheld.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard S. Liang whose telephone number is (571) 272-2148. The examiner can normally be reached on 8:30-5 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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STEPHEN MEIER
SUPERVISORY PATENT EXAMINER